

REMARKS

Favorable reconsideration and allowance of the present application is respectfully requested.

Currently, claims 1-24 and 52-74 are under consideration, including independent claims 1 and 52. Independent claim 52, for instance, is directed to a substrate for reducing odor. The substrate is applied with particles coated with alumina that are modified with a transition metal. The particles have a positive zeta potential. Additionally, the transition metal provides one or more active sites for capturing an odorous compound.

In the Office Action, independent claims 1 and 52 were rejected under 35 USC § 103 as being obvious over co-pending application number 10/686,938. Applicants note, however, that the '938 application was *filed on the same day* as the present application (i.e., October 16, 2003). Therefore, the '938 application cannot constitute prior art to the present application under any applicable section of § 102, including § 102(e). For at least these reasons, Applicants respectfully submit that the '938 application is not prior art to the present application.


The Office Action also provisionally rejected original claims 1, 2, 5-9, 23, 24, 52-54, 56, 68-70, and 72-74 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over certain claims of copending Application No. 10/686,938 entitled "Method for Reducing Odor Using Metal-Modified Silica Particles." Without commenting on the propriety of this rejection, Applicants agree to submit a terminal disclaimer at such time that the claims of the present application are deemed to otherwise be allowable.

Applicants respectfully submit that the present application is in complete condition for allowance and favorable action, therefore, is respectfully requested. Examiner George is invited and encouraged to telephone the undersigned, however, should any issues remain after consideration of this response.

Please charge any additional fees required by this Response to Deposit Account No. 04-1403.

Respectfully requested,

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